IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 1336/2006
STATE OF RAJASTHAN Vs. BHANU PRATAP SINGH & ORS.

Date of order: 23.02.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. S.N. Gupta, PP for the petitioner State.
Mr. A.K. Khan for respondent Nos. 1,6, 7 & 8.
Mr. Mahesh Dausawal for respondent No.2
Mr. Manish Choudhary for respondent Nos. 3,4 & 5.
Mr. Dinesh Yadav for respondent No.6
Mr. Ashvin Garg for respondent No.9

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The present criminal revision petition under Section 397 Cr. P.C. is preferred by the petitioner State against the order dated 29.09.2006 passed by the Additional Sessions Judge (Fast Track) No.1, Kota in Sessions Case No. 112/2006, whereby he discharged the accused-respondents Shabbir Mohammed, Mahendra Singh, Ganpat Singh, Panna Lal from the offence under Sections 222 and 224 IPC, accused-respondents Sumer Singh, Bhanu Pratap Singh, Deepak Choudhary and Manoj Kumar Jain from the offence under Sections 120, 176, 216, 222 and 224 IPC and the accused-respondent Surendra Singh from the offence under Sections 119, 176, 216, 222 and 224 IPC.

The Appellate Court vide its impugned order dated 29.09.2006 has observed that the trial Court

shall investigate into the matter after giving fresh opportunity of hearing to the parties and shall frame charge after completion of the investigation and the accused-respondents were also directed to remain present before the trial Court on 07.10.2006.

Having considered the rival submissions of the respective parties and upon careful perusal of the relevant record as well as the impugned order passed by the Appellate Court, I find no illegality or error apparent on the face of the record in the impugned order as the case has simply been remanded back to the trial Court for fresh adjudication after giving due consideration to the facts and after conducting investigation and this order has been passed in the interest of justice. Since it was observed that the offence committed by the accused is triable by the Magistrate, therefore, the case has been remanded back to the trial Court. Thus, the impugned order dated 29.09.2006 passed by the Appellate Court requires no interference whatsoever by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

Record be sent back forthwith.

(K.S. RATHORE),J.

/KKC/